REMARKS

Claims 1-3, 6-10, 13-15, and 18-21 are pending. Claims 7, 15, and 21 have been withdrawn from consideration as being directed to a non-elected invention.

Claims 1, 8, and 18 have been amended to further define the invention over the art of record.

Claims 8-10, 13, 14, and 18-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by UK Patent Application GB 2,098,958 ("Taylor et al."). Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al.

Taylor et al. discloses a dispenser for dispensing personal care or household items, especially liquid soap. See Abstract. With reference to FIG. 2, Taylor et al. teaches a cylindrically shaped bottle 12 having a planar base 32 and a frustoconical top 40 that has an opening 36 formed an upper end thereof. A valve 30 cap threads onto the upper end of the top 40 to close the opening 36. The valve cap 30 may be opened when the bottle 12 is squeezed to allow fluid, e.g., liquid soap, to be dispensed from the bottle. Taylor et al. further teaches a storage cap 14 having inwardly directed lip 20 that may engage an annular groove 24 formed in the bottle 12 adjacent the top 40. The lip 20 and the annular groove 24 allow the storage cap 14 to be snap-fit onto the bottle 12 when the bottle 12 is being sold and shipped for "protect[ing] valve cap 30 and function as a protective closure of bottle 12." See p. 3, ll. 30-34. The lower end of the bottle 12 also includes a cap fastening groove 26. In this regard, "[w]hen use of the bottle commences, hanger and storage cap 14 is removed from its snap-fit position at one end of the bottle 12 and is placed at the opposite end with lip 20 in cap fastening groove 26." P. 3, ll. 34-38. In other words, the reference teaches that the

storage cap 14 provides two explicit functions, (1) it protects the valve cap 30 during shipment and when the bottle 12 is being displayed for purchase and (2) it facilitates hanging of the bottle 12 from a shower curtain rod or tap stem during use.

Taylor teaches a dispenser for liquid. The invention is, instead, directed to a chilling device. This distinction in and of itself is significant in that the two devices are used and function in two completely environments for two completely different purposes. The Examiner has asserted that the valve cap 14 and the storage cap 30, for purposes of applying the reference against the claims of the instant application, constitute a single structure that closes the opening 36 in the bottle 12. The Examiner has taken this position despite the reference explicitly teaching that the valve cap 30 and the storage cap 30 are separate components and this separation is required for the storage cap 14 to function as described. For example, the reference states:

> The container of the invention is in the form of a bottle…The bottle is fitted with a cap which includes a valve…The bottle is also fitted with a storage and hanger cap. This is a generally hook-shaped cap fastened over the valve cap during shipping and storage, but fastenable also at the bottom end of the bottle to permit the bottle to be hung in inverted fashion from a shower-head pipe, shower curtain rod, or any other suitable place.

GB2,098,958, p. 1, ll. 51-67.

The reference further indicates that the invention comprises "a valved cap mounted over said aperture [of the bottle] to effect selectable closure of said bottle; and a hook-shaped cap adapted to be fastened over either end of said top or bottom [of the bottle]." Id. at p. 1, ll. 47-50. As can be seen, the valve and cap are two entirely separate and distinct components with each required to perform a completely different function. As such, Applicant submits that the Examiner has failed to establish any basis for considering the valve cap 14 and the storage cap 30 as a single structure. The reference does not show the two caps as being integrally formed with or otherwise connected to

one another. As noted above, for the bottle of Taylor et al. to work as intended, the storage cap 30 must be removable from the bottle 12 without removing the valve cap 14. Moreover, it is the valve cap 14 that seals the bottle 12. The storage cap 30 does not perform this function and one of skill in the art would not expect it to so function given the device's design. Indeed, without the benefit of hindsight reconstruction, it strains credulity to suggest that one skilled in the art would take a liquid soap dispenser consistent with that described in the reference and modify it to create a chilling device having a cap with an integral expansion volume.

For the construction proposed by the Examiner to work, significant changes would need to be made to the dispenser described by Taylor et al. For instance, Taylor et al. teaches that when the dispenser is in use, the storage cap is attached to the bottom of the bottle. If the valve cap were coupled to the storage cap, moving the storage cap to the in-use position would leave the opening of the bottle exposed and when the bottle is hung using the hanger of the storage cap, fluid would flow freely out of the bottle. Moreover, there is no recess or any other structure to permit the valve cap and the storage cap to be paired together such that the storage cap can be snap-fit onto the bottle. In short, there is no support in the reference whatsoever to support the Examiner's position that the storage cap and the valve cap are, or could be, a single structure.

While Applicant is of the opinion that the reference does not and cannot teach one of skill in the art the claimed invention, Applicant has amended claims 1, 8, and 18 to more clearly define that which Applicant regards as the invention.

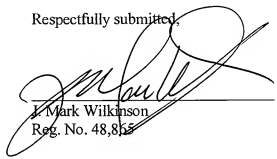
Claim 1 has been amended to call for a valve-less cover that closes the mouth of the body. As discussed above, and to the extent that the valve cap and the storage cap can be considered a single cap for closing the opening of the bottle, it is clear that Taylor et al. teaches a

cover having a valve. Claim 8 has been amended to further call for a gasket that provides a seal between the mouth of the body and the cover that closes the mouth. Taylor et al. makes no teaching of a gasket between the valve cap and the bottle or between the storage cap and its engagement with the annular groove. Claim 18 has been amended to further define the mouth of the lower section of the chilling device and an opening formed in the cover for the opening as having substantially the same diameter. In other words, the diameter of the cover and the diameter of the opening to the lower section are substantially the same. As best shown in FIG. 2 of the reference, Taylor et al. explicitly teaches the diameter of the opening is substantially smaller than the diameter of the storage cap. It is therefore submitted that the claims as amended further define the invention over the reference, even if Taylor et al. is construed to teach an integrated storage cap and valve cap.

Therefore, in light of at least the foregoing, it is submitted that Taylor et al. neither teaches nor suggests that recited in claims 1, 8, and 18, or any of the claims depending therefrom. As such, the claims are believed to define the invention in a manner that is neither taught nor suggested by the art of record. Therefore, it is believed that claims 1-3, 6-10, 13-15, and 18-21 are in condition for allowance. A Notice of Allowance for claims 1-3, 6-10, 13-15, and 18-21 is therefore requested.

Applicant believes that there are no fees due in connection with this communication. Nevertheless, authorization is given to charge any additional fees or credit any overpayment in connection with this or any future communication to the Deposit Account No. 50-1170. The Examiner is invited to contact the undersigned by telephone if it would help to expedite matters.

Respectfully submitted,



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